

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO THE CASES
ON THE EXHIBITS ATTACHED HERETO

ORDER

Pending in MDL 2327, 2:12-md-2327 [ECF No. 5163], is Plaintiffs' Motion to Modify Pretrial Order 269 Deadline for Case Specific Experts ("Motion"), which was filed on December 12, 2017, by The Law Offices of A. Craig Eiland, P.C. ("Eiland law"). Eiland Law makes this motion on behalf of the following four cases: *Cooper, et al. v. Ethicon, Inc., et al.*, 2:14-cv-03389; *Howell, et al. v. Ethicon, Inc., et al.*, 2:14-cv-04174; *Lane, et al. v. Ethicon, Inc., et al.*, 2:14-cv-14687; *Miller, et al. v. Ethicon, Inc., et al.*, 2:14-cv-04366.

Plaintiffs seek an extension of time to disclose their case specific expert reports. *Id.* The present deadline for plaintiffs to make their expert disclosures is today, December 13, 2017, pursuant to the Docket Control Order for Wave 7. PTO #269.

Plaintiffs correctly state that this district's local rules allow for the modification of time limits in scheduling orders upon a demonstration of good cause for the requested modification. *Id.*; L. R. Civ. P. 16(f)(1); Fed. R. Civ. P. 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."). However, after a reviewing plaintiffs' Motion, it is unclear to this Court what "good

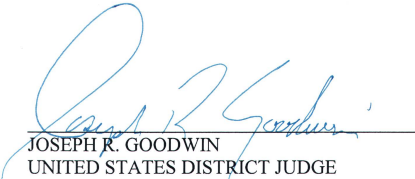
cause” exists to modify the present scheduling order directives of PTO #269 so as to accommodate the late filing of plaintiffs’ experts’ specific causation reports. Specifically, the Court requires further clarification regarding the delay in scheduling the treating physicians’ depositions in light of the clear scheduling order deadline for the disclosure of plaintiffs’ experts in PTO #269.

In light of the foregoing, plaintiffs shall supply the Court with additional briefing on the standard of “good cause” as articulated in Federal Rule of Civil Procedure 16 and Local Rule of Civil Procedure 16 as applicable to plaintiffs’ requests for an extension of time to disclose specific causation expert reports by **5:00 p.m. on December 14, 2017**. Defendants shall supply this Court with any responsive pleading by **5:00 p.m. on December 15, 2017**. Plaintiffs shall disclose all general causation expert reports pursuant to PTO #269, the deadline for which is today, December 13, 2017.

This Court will hold any determination with respect to Plaintiffs’ Motion to Modify Pretrial Order 269 Deadline for Case Specific Experts [ECF No. 5163] in abeyance until it has received and reviewed the parties’ briefs.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327, as well as the following individual cases: *Cooper, et al. v. Ethicon, Inc., et al.*, 2:14-cv-03389; *Howell, et al. v. Ethicon, Inc., et al.*, 2:14-cv-04174; *Lane, et al. v. Ethicon, Inc., et al.*, 2:14-cv-14687; *Miller, et al. v. Ethicon, Inc., et al.*, 2:14-cv-04366.

ENTER: December 13, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE